

***United States Court of Appeals  
for the  
District of Columbia Circuit***



**TRANSCRIPT OF  
RECORD**



**TRANSCRIPT OF RECORD.**

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**Court of Appeals, District of Columbia**

**JANUARY  
OCTOBER TERM, 1903.**

**NO. 1381.**

**259**

**NO. 13 SPECIAL CALENDAR.**

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**THE DISTRICT OF COLUMBIA, PLAINTIFF IN ERROR,**

**vs.**

**FREDERICK DE B. WESTON.**

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**IN ERROR TO THE POLICE COURT OF THE DISTRICT OF COLUMBIA.**

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**FILED NOVEMBER 24, 1903.**

# Court of Appeals, District of Columbia

JANUARY  
OCTOBER TERM, 1904

NO. 1381.

No. 11, SPECIAL CALENDAR.

THE DISTRICT OF COLUMBIA, PLAINTIFF IN ERROR,

vs.

FREDERICK DE B. WESTON.

IN ERROR TO THE POLICE COURT OF THE DISTRICT OF COLUMBIA.

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IN THE  
Court of Appeals of the District of Columbia.

THE DISTRICT OF COLUMBIA, Plaintiff in Error, }  
 vs. } No. 1381.  
 FREDERICK DE B. WESTON.

*a* In the Police Court of the District of Columbia, October Term,  
1903.

DISTRICT OF COLUMBIA,  
vs.  
FREDERICK DE B. WESTON. } No. 244,545.

Information for Violation of Police Regulations, to wit:  
Unlicensed Storage of Gasoline.

Be it remembered, that in the Police Court of the District of Columbia, at the City of Washington, in the said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above entitled cause, to wit:

**1** (Information.)

In the Police Court of the District of Columbia, October Term, A. D.  
1903.

THE DISTRICT OF COLUMBIA, ss:

Andrew B. Duvall, Esq., corporation counsel, by James L. Pugh, Jr., Esq., assistant corporation counsel, who, for the said District of Columbia, prosecutes in this behalf in his proper person, comes here into court, and causes the court to be informed and complains that Frederick de B. Weston, late of the District of Columbia aforesaid, on the twentieth day of October, in the year A. D. nineteen hundred and three, in the District of Columbia aforesaid, and in the City of Washington, on L street northwest, did then and there store certain gasoline, a highly inflammable fluid, without securing an annual license therefor; contrary to and in violation of the Police Regulations of the District of Columbia, and constituting a law of the District of Columbia.

ANDREW B. DUVALL, Esq.,  
Corporation Counsel.

By JAMES L. PUGH, JR.,  
Assistant Corporation Counsel.

2 THE DISTRICT OF COLUMBIA VS. FREDERICK DE B. WESTON.

Personally appeared J. L. Sprinkle this 21st day of October, A. D. 1903, and made oath before me that the facts set forth in the foregoing information are true, and those stated upon information received he believes to be true.

[Seal Police Court of District of Columbia.]

J. B. PEYTON,  
*Deputy Clerk of the Police Court of the District of Columbia.*

Filed October 21, 1903.

JOSEPH Y. POTTS,  
*Clerk, Police Court, D. C.*

2 In the Police Court of the District of Columbia.

*In re* DISTRICT OF COLUMBIA, }  
vs. } No. 244,545.  
FREDERICK DE B. WESTON. }

And now comes this defendant and moves the court to quash the information filed against him for the reason that:

First. Section 2 of Art. II, is void for uncertainty.

Second. Section 2 of Art. II, is illegal and void together with Section 3 of said Art. II, in that it relies upon an unauthorized and illegal delegation of power.

Third. Section 3 of Art. II is illegal and void in that it is an unauthorized delegation of power.

W. S. DUVALL,  
*Attorney for Defendant.*

Filed October 27, 1903.

JOSEPH Y. POTTS,  
*Clerk, Police Court, D. C.*

3 OFFICE OF THE ASSESSOR, DISTRICT OF COLUMBIA.  
WASHINGTON, July 2d, 1903.

F. DE B. WESTON, Esq.,  
*Automobile Storage and Repair Co.,  
No. 1319 L Street northwest,  
Washington, D. C.*

DEAR SIR:

I have to inform you that your application dated June 23d, 1903, for permission to store sixty gallons of gasoline on the ground floor of building No. 1319 L street northwest, has been re-

turned by the Chief Engineer of the Fire Department and the Fire Marshal, to this office, with an adverse recommendation.

In view of this fact license cannot be issued.

Respectfully,

H. H. DARNEILLE,  
Assessor, D. C.

Filed October 30, 1903.

JOSEPH Y. POTTS,  
Clerk, Police Court, D. C.

4 In the Police Court of the District of Columbia.

DISTRICT OF COLUMBIA, }  
vs. } No. 244,545.  
FREDERICK DE B. WESTON }

*Bill of Exceptions.*

Be it remembered that at the trial of this case on the 30th day of October, 1903, before the Honorable Ivory G. Kimball, one of the judges of said court, the defendant by his counsel moved the court to quash the information for the following reasons, to wit:

First. That Section 2 of Art. II of the Police Regulations is void for uncertainty.

Second. That said Section 2 of Art. II, is illegal and void together with Section 3 of said Art. II, in that it relies upon an unauthorized and illegal delegation of power.

Third. That Section 3 of said Art. II is illegal and void in that it is an unauthorized delegation of power.

And the court granted said motion. To which said ruling of the court the District of Columbia, by its counsel, excepted, which said exception was duly noted upon the minutes of the presiding judge, and gave notice then and there of its intention to apply to a Justice of the Court of Appeals of the District of Columbia for a writ of error.

Wherefore, the District of Columbia, by its counsel, presents this bill of exceptions to the court to settle and sign the same *nunc pro tunc* in accordance with the statute in such case made and provided and in accordance with the rules of the Court of Appeals of the District of Columbia, this 3d day of November, 1903.

I. G. KIMBALL,  
Judge, Police Court, D. C.

Filed Nov. 3, 1903.

JOSEPH Y. POTTS,  
Clerk, Police Court, D. C.

4 THE DISTRICT OF COLUMBIA VS. FREDERICK DE B. WESTON.

5 (Copy of Docket Entries.)

In the Police Court of the District of Columbia.  
October Term, 1903.

DISTRICT OF COLUMBIA, }  
vs. } No. 244,545.  
FREDERICK DE B. WESTON. }

Information for Violation of Police Regulations, to wit:  
Unlicensed Storage of Gasoline.

October 27, 1903. Motion to quash information filed. Continued to October 30th.

October 30, 1903. Letter of H. H. Darneille, assessor, D. C., denying license to defendant to store gasoline, filed. Motion to quash argued and sustained.

Exceptions taken on behalf of the District of Columbia by the assistant corporation counsel, to rulings of the court on matters of law, and notice given in open court of its intention to apply to a Justice of the Court of Appeals of the District of Columbia for a writ of error.

November 11, 1903. Writ of error received from the court of Appeals of the District of Columbia.

6 In the Police Court of the District of Columbia.

UNITED STATES OF AMERICA, }  
*District of Columbia.* } ss:

I, Joseph Y. Potts, clerk of the police court of the District of Columbia, do hereby certify that the foregoing pages, numbered from 1 to 5, inclusive, to be true copies of originals in cause No. 244,545, wherein the District of Columbia is plaintiff and Frederick de B. Weston defendant, as the same remain upon the files and records of said court.

In testimony whereof I hereunto subscribe my name and affix the seal of said court, the City of Washington, in said District, this 24th day of November, A. D. 1903.

[Seal Police Court of District of Columbia.]

JOSEPH Y. POTTS,  
*Clerk Police Court, Dist. of Columbia.*

7 UNITED STATES OF AMERICA, ss:

The President of the United States to the Honorable I. G. Kimball, judge of the police court of the District of Columbia, Greeting:

Because in the record and proceedings, as also in the rendition of



the judgment of a plea which is in the said police court, before you, between the District of Columbia, plaintiff, and Frederick de B. Weston, defendant, a manifest error hath happened, to the great damage of the said plaintiff, as by its complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Court of Appeals of the District of Columbia, together with this writ, so that you have the same in the said Court of Appeals, at Washington, within 15 days from the date hereof, that the record and proceedings aforesaid being inspected, the said Court of Appeals may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Richard H. Alvey, Chief Justice of the said Court of Appeals, the 11th day of November, in the year of our Lord one thousand nine hundred and three.

[Seal Court of Appeals, District of Columbia.]

ROBERT WILLETT,  
*Chief of the court of Appeals of the  
District of Columbia.*

Allowed by

R. H. ALVEY,  
*Chief Justice of the Court of  
Appeals of the District of Columbia.*

Endorsed on cover: Police Court, District of Columbia. No. 1381.  
The District of Columbia, plaintiff in error, vs. Frederick de B. Weston,  
Court of Appeals, District of Columbia. Filed Nov. 24, 1903. Robert Willett, clerk,